

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JAMES DAVIS,
Plaintiff,

vs.

ALLY BANK,
Defendant.

REPORT AND RECOMMENDATION

Case No. 2:11-CV-42-CW

Plaintiff James Davis filed his complaint in this action on January 18, 2011 (Doc. 3) That same day, Plaintiff filed a motion for a telephonic hearing. (Doc. 4.) On February 10, 2011, Plaintiff filed a motion for service of process. (Doc. 5.) The court denied both of those motions on March 29, 2011. (Doc. 8.) Having heard nothing from Plaintiff since his February 10, 2011 motion for service of process, on October 13, 2011, the court issued an order to show cause directing Plaintiff to explain within thirty days why his case should not be dismissed for failure to prosecute. Plaintiff has not responded to the order to show cause.

As a result, **IT IS RECOMMENDED** that Plaintiff's complaint be dismissed. See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*,

370 U.S. 626, 630-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204
n.3 (10th Cir. 2003).

DATED this 16th day of December, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', written over a horizontal line.

Samuel Alba
United States Magistrate Judge